

Appl. No. 10/782,607
Amdt. dated 01/17/2006
Response to Office Action of 10/14/2005

Attorney Docket No.: E1972-00001

REMARKS/ARGUMENTS

Claims 1-24 were previously pending in this Application. Claims 1, 4, 7, 15, 16 and 18-24 have been amended and claim 11 cancelled. Applicant respectfully requests re-examination, reconsideration and allowance of each of presently pending claims 1-10 and 12-24.

I. Claim Objections

On page 2 of the Office Action, claim 4 was objected to due to informalities. Claim 4 has been amended and now complies with the requirements of 35 U.S.C. § 112. More particularly, the antecedent basis issue has been corrected. Therefore, the objection of claim 4 should be withdrawn.

II. Claim Rejections under 35 U.S.C. § 102

On page 2, fifth paragraph of the Office action, claims 1-7, 10, 13-15, 18, 22 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Westfall, USPN 6,663,259. Applicant respectfully submits that these claim rejections are overcome for reasons set forth below.

Briefly and in summary, Applicant points out that the claimed invention is directed to a plurality of decorative adornments contemporaneously attached to an apparatus. This is as illustrated in the figures and as recited in the independent claims as follows:

Independent claim 1 recites the features of:

a plurality of interchangeable decorative adornments, each including a magnet and said plurality of interchangeable decorative adornments being magnetically coupled to a portion of said apparatus simultaneously.

Similarly, independent claim 7 recites the features of:

a plurality of interchangeable decorative adornments, each including a magnet and said plurality of interchangeable decorative adornments being magnetically

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coupled to a portion of said decorative lighting unit simultaneously.

Independent claim 15 recites the features of:

5 a decorative lighting unit with a plurality of removable adornments, each including a magnet and said plurality of removable adornments being magnetically coupled to said decorative lighting unit simultaneously.

Similarly, independent claim 16 recites the features of:

10 a plurality of removable adornments, each including a magnet and said plurality of removable adornments magnetically coupled to said chandelier simultaneously.

Amended independent claim 18 recites the features of:

15 A set of interchangeable decorative adornments for simultaneous attachment to reconfigurable decorative lighting units;

each said interchangeable decorative adornment
being magnetically attachable to a plurality of corresponding metal portions of one of said reconfigurable decorative lighting units at the same time.

20 Each of independent claims 1, 7, 15 and 16 recites the features that a plurality of the adornments are simultaneously coupled to the apparatus, decorative lighting unit, or chandelier. Alternatively stated, the claims each recite that each of the adornments ARE COUPLED to the apparatus, decorative lighting unit or chandelier, at the same time, as illustrated in the figures. Claim 18, drawn to the adornments, explicitly recites
25 that the set of interchangeable decorative adornments is for "simultaneous attachment" to one of the reconfigurable decorative lighting units, "at the same time". Applicants submit that these amended claims now explicitly state what was inherent in the previously pending claims since it is inherent that, if a plurality of adornments are coupled to a chandelier/lighting unit, they are coupled to the chandelier/lighting unit at
30 the same time, since there is an inherent time associated with a claimed structure.

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The Westfall reference does not disclose or suggest this feature of a plurality of adornments coupled, simultaneously, to a lighting unit.

Westfall, in sharp contrast, provides for attaching only one decorative element 20 to the support structure 12, at a time. Westfall states, in column 3, lines 41-43
5 "Mounted on the support structure 12 is at least one attachment means 18 adapted to releasably retain a decorative element 20". Westfall further states "The decorative element 20 is shaped as sized in the preferred embodiment so as to cover the support structure 12, although it is certainly conceivable that the decorative element 20 may be made smaller, particularly if the elongated members 14 making up the support structure
10 12 are disposed in an aesthetically pleasing arrangement", Westfall, column 4, lines 52-57.

The only interchangeability provided by Westfall is that one of the decorative elements shown in figures 5-11 of Westfall, could be replaced by another of the decorative elements 20 shown in figures 5-11 of Westfall. It is clear that only one
15 decorative element 20 is disposed on the support structure 12 at a time. Westfall does not teach or suggest multiple elements coupled to support structure 12 (at the same time). Applicant respectfully submits that Westfall, if anything, teaches away from attaching more than one decorative element 20 to the support structure 12 because Westfall teaches that it is *preferred* to have a decorative element 20 that covers the
20 support structure 12 and only if other portions of the support structure are aesthetically pleasing does Westfall provide for reducing the size of the single decorative element 20 but Westfall provides no teaching or suggestion for coupling more than one decorative element 20 to the support structure at the same time, as in the claimed invention.

Independent claims 1, 7, 15, 16 and 18 are therefore distinguished from Westfall
25 and the rejection of claims 1, 7, 15 and 18, under 35 U.S.C. § 102(e) as being anticipated by Westfall, should be withdrawn. Claims 2-6 depend from claim 1 and incorporate the distinguishing features of their base claim. Claims 10, 13 and 14 depend from independent base claim 7, and amended claim 22 depends from

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independent claim 18 as does amended dependent claim 24. As such, each of claims 2-6, 10, 13, 14, 22 and 24 are also distinguished from Westfall and therefore the rejection of each of claims 1-7, 10, 13-15, 18, 22 and 24 under 35 U.S.C. § 102(e) as being anticipated by Westfall, should be withdrawn.

5 **III. Rejection of Claims 8 and 20 under 35 U.S.C. § 103**

On page 5 of the Office Action, claims 8 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Westfall in view of McDermott, (USPN 5,655,308). Applicant respectfully submits that these claim rejections were overcome for reasons set forth below.

10 Applicant points out that claim 8 depends from claim 7 which is distinguished from Westfall for reasons set forth above and claim 20 depends from claim 18, also distinguished from Westfall for reasons set forth above. The cited reference of McDermott has apparently been relied upon for teaching the use of a rare earth magnet. McDermott, directed to an illuminating navigation device, particularly a navigation
15 device for underwater use, does not make up for the above-stated deficiencies of Westfall. Moreover, Applicant respectfully submits that one of ordinary skill in the art of decorative lighting features would have no motivation to investigate a reference drawn to an underwater flashlight, to modify a decorative lighting fixture.

Independent claims 1 and 18, and therefore dependent claims 8 and 20, are thus
20 distinguished from the references of Westfall and McDermott, taken alone or in combination. As such, the rejection of claims 8 and 20 under 35 U.S.C. § 103(a) should be withdrawn.

IV. Rejection of Claims 9, 12, 16, 17, 19, 21 and 23 under 35 U.S.C. § 103

In the Office Action, on page 6, first paragraph, claims 9, 12, 16, 17, 19, 21 and
25 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Westfall in view of Bayer (USPN 6,712,490). Applicant respectfully submits that these claim rejections are overcome for reasons set forth below.

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Bayer has apparently been relied upon for providing a chandelier. Bayer, however, does not disclose or suggest interchangeable decorative adornments, much less decorative adornments that are easily interchangeable because they are simply and releasably magnetically coupled to the chandelier. Bayer, drawn to a chandelier, has apparently also been relied upon for providing adornments formed of crystal and being coupled by one of string, wire, metal link and a metal chain. Bayer, however, does not make up for the above-stated deficiencies of Westfall.

Applicant points out that independent claim 16 is distinguished from Westfall for reasons discussed above. Claims 9 and 12 depend from independent claim 7, claim 17 depends from independent claim 16, and claims 19, 21, and 23 depend from amended independent claim 18. Each of independent claims 7 and 18 are also distinguished from Westfall for reasons set forth above. Since each of the rejected dependent claims incorporate the distinguishing features of their base claims, each of claims 9, 12, 16, 17, 19, 21 and 23 are distinguished from the references of Westfall and Bayer, taken alone or in combination and therefore the rejection of these claims under 35 U.S.C. § 103(a) as being unpatentable over Westfall in view of Bayer, should be withdrawn.

V. Rejection of Claim 11 under 35 U.S.C. § 103

In the penultimate paragraph of page 6, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Westfall in view of Azeredo et al. (USPN 6,079,855), hereinafter "Azeredo". Claim 11 is cancelled and this rejection is therefore obviated.

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CONCLUSION


Based on the foregoing, each of pending claims 1-10 and 12-24 is in allowable form and the application in condition for allowance, which action is respectfully and expeditiously requested.

- 5 The Assistant Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to Deposit Account 04-1679.

Respectfully submitted,

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